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# Items of Interest in Seed Control

## Winter 1996

### Contents

1995 Trueness-To-Variety Testing Results .....	1
Federal Noxious Weeds Available .....	3
Labeling Protected Varieties .....	3
Seed Testing Service .....	4
News from North Carolina .....	4
Ryegrass Fluorescence List .....	5
Federal Seed Act Cases Settled .....	6
Additions to Plant Variety Protection Certificates .....	7

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## 1995 TRUENESS-TO-VARIETY TESTING RESULTS

The 1995 trueness-to-variety (TTV) program of the Seed Regulatory and Testing Branch (SRTB) was a success. The Georgia winter small grain trials (planted in the fall of 1994) were conducted by Drs. Jerry Johnson and Anton Coy at the Coastal Plain Experiment Station, Tifton, GA. Samples of wheat, barley, oat, and rye were evaluated at Tifton. Winter small grains were also grown at Manhattan, KS, by Vernon Schaffer of Kansas State University. Samples of wheat, barley, rye, spelt, triticale, and emmer were evaluated there. Spring planting of small grains was conducted at Brookings, SD, under the direction of Dr. Dale Reeves. Berkeley Glenn and Steve Cobb of the Virginia Department of Agriculture conducted field corn trials at Richmond, VA. We found several apparent mislabelings, but less than in 1992 when we last tested this crop.

At Southern University in Baton Rouge, LA, plantings of broccoli and cabbage were evaluated and many varietal problems were encountered in the cabbage grow-outs. Southern University was also the site of our first TTV test of eggplant. Many problems were encountered, especially in the old, open-pollinated variety, Black Beauty. There were 2 or more genotypes encountered from seed labeled to be Black Beauty. Fall 1995 plantings of cauliflower and brussels sprouts were made at Southern University, but have not yet been evaluated. The Southern University trials are conducted by Dr. Owusu Bandele and his staff. Fall short-day onion and lettuce trials are also underway at the University of Florida at Gainesville, under the direction of Dr. Dan Cantliffe.

We had great success with our pepper plantings at the University of Maryland's research farm at Upper Marlboro, MD. We started the plants in new greenhouses at the Beltsville Agricultural Research Center (BARC) and transplanted them in mid-June. Conditions were hot and dry, but timely irrigation made for perfect conditions for the peppers. Many problems were encountered with nomenclature and varieties that were totally mislabeled. Our cooperator at the University of Maryland is Dr. Chuck McClurg. Robert Rouse of the Maryland Cooperative Extension Service and Janice Strachan of the Plant Variety Protection (PVP) Office helped with the evaluations.

As always, we had some plantings at BARC. We planted over 250 sweet corn samples and a few complaint samples of other crops to evaluate. We had a wet spring followed by a hot and dry late summer. The sweet corn suffered under these conditions, but we were able to complete our observations, nonetheless. We found it difficult to decipher what is going on in the "Golden Bantams" which are older, open-pollinated varieties. Many of the samples were mixed for anther, glume, and silk colors.

We wish to extend our appreciation to all who were instrumental in the success of this year's TTV program. The following table summarizes the TTV findings:



# 1995 RESULTS FOR THE TTV PROGRAM

<u>Site</u>	<u>Crop</u>	<u>Samples Tested</u>	<u>Samples Mislabeled</u>	<u>Percent <sup>1, 2</sup> Mislabeled</u>
Beltsville Agricultural Research Center	sweet corn	264	7	2.7
	tomato	2		
	watermelon	1	1	100.0
	cowpea	1		
	bromus	1		
	sorghum-sudangrass	1		
	garden bean	1		
Florida	onion	in progress		
	lettuce	in progress		
Georgia	Winter varieties of:			
	wheat	138	6	4.3
	barley	125	2	1.6
	rye	263	13	4.9
	oat	20		
Kansas	Winter varieties of:			
	wheat	228	8	3.5
	barley	69		
	emmer	1		
	spelt	6		
	triticale	19	6	31.6
Louisiana	eggplant	52	8	15.4
	broccoli	73	2	2.7
	cabbage	88	10	11.4
	cauliflower	in progress		
	brussels sprouts	in progress		
Maryland	pepper	116	17	14.7
South Dakota	oat	99	1	1.0
	wheat	87	3	3.4
Virginia	field corn	297	6	2.0

<sup>1</sup> Mislabelings divided by the number of samples tested. <sup>2</sup> Mislabeled samples contain other varieties or off-types that are out of tolerance with the label.

In addition to the tested samples shown in the table, there were 206 check samples planted for the crops that have been evaluated.



## FEDERAL NOXIOUS WEEDS AVAILABLE

In the Summer 1995 edition of the Items of Interest in Seed Control we explained that some species considered noxious weeds under the Federal Noxious Weed Act Regulations would no longer be available through the Reserve Seed Collection. After discussions with officials of the Animal and Plant Health Inspection Service (APHIS), we have now obtained the necessary APHIS permit for the following species:

*Crupina vulgaris*  
*Nassella trichotoma*  
*Orobanche ramosa*  
*Pennisetum clandestinum*  
*Rottboellia cochinchinensis*  
*Solanum viarum*

Under terms of the permit, we may distribute non-viable seeds of the above species for reference purposes. It will not be necessary for recipients to obtain a permit. Note that *Solanum viarum* is the only one that was not previously available from the Reserve Seed Collection. To obtain seeds of the above that are not already in your collection, send requests to:

Susan R. Maxon  
Seed Regulatory and Testing Branch  
USDA, AMS, Livestock and Seed Division  
Room 213, Building 306, BARC-East  
Beltsville, MD 20705-2325  
FAX: 301-504-8098  
E-mail: Susan R Maxon@usda.gov

## **LABELING PROTECTED VARIETIES**

(written prior to final rule)

The PVP Office and SRTB have been asked about the marking of varieties that are protected under the amended Plant Variety Protection Act (PVPA). The marking and labeling provisions are essentially the same as prior to the effective date of the amendments (April 4, 1995). Pending varieties may be labeled as follows: "Unauthorized Propagation Prohibited--Unauthorized Seed Multiplication Prohibited - U.S. Variety Protection Applied For." Varieties for which a PVP certificate has been issued may be labeled as follows: "Unauthorized Propagation Prohibited--Unauthorized Seed Multiplication Prohibited - U.S. Protected Variety."

For varieties that were filed with the PVP Office on or after April 4, 1995, or that were refiled under the revised PVPA, "PVPA 1994" should be added to the label to obtain the expanded protection under the amendments. Use of "PVPA 1994" with varieties protected under the old law is misleading. "PVPA 1970" may be used with the above statements on varieties that are protected under the old law. Also, additional clarifying information that is not false or misleading may be used.

Please note that issuance of a certificate after April 4, 1995, does not ensure that the variety is eligible for "PVPA 1994."



## SEED TESTING SERVICE

The SRTB administers two programs. Besides enforcement of the interstate commerce provisions of the Federal Seed Act (FSA), the Testing Section also tests seed for a fee under the Agricultural Marketing Act. Under this service testing program, applicants submit samples to be tested for factors such as purity, noxious-weed seeds, and germination. All tests are performed by official methods of the International Seed Testing Association, Association of Official Seed Analysts, or FSA, as designated by the applicant. A Federal Seed Analysis Certificate is issued giving the test results. Because many countries require a Federal Seed Analysis Certificate for seed and grain they import from the United States, most of the samples tested under this program represent seed or grain for export. Some applicants submit samples to be tested for their own internal purposes. The current fee for our seed testing service is \$40.40 per hour (one-hour minimum). For more information about this program, contact:

Dr. Richard C. Payne  
Testing Section Supervisor  
Seed Regulatory and Testing Branch  
USDA, AMS, Livestock and Seed Division  
Room 213, Building 306, BARC-East  
Beltsville, MD 20705-2325  
Telephone: 301-504-8089  
FAX: 301-504-8098  
E-mail: Richard C Payne@usda.gov

## NEWS FROM NORTH CAROLINA

Seed Program Administrator Jim Warren, of the Plant Industry Division, North Carolina Department of Agriculture submitted the following article concerning a change in North Carolina seed regulation. If you have questions, please contact Mr. Warren at 919-733-3930:

The trend in a number of states is for the "release" of seed lines to private companies who then market them under brand names for product identification rather than as varieties. North Carolina law has traditionally prohibited this practice by requiring seed products sold with a brand name or designation to be labeled with variety name or names on the seed analysis label.

During the 1995 session of the North Carolina legislature, the seed law was amended to enable, by regulation, the requirement that certain named kinds of seed be sold only by variety name. The provisions prohibit the use of "variety not stated" labeling on those designated kinds.

On December 7, 1995, the North Carolina Board of Agriculture passed a regulation which will require that the variety name be stated on the seed analysis label for the following kinds of seed: cotton, field corn, peanuts, soybeans, tobacco, and wheat. The proposed effective date is February 1, 1996.



## RYEGRASS FLUORESCENCE LIST

This is the ryegrass fluorescence list from the National Grass Variety Review Board:

<u>Perennial Ryegrass Variety Name</u>	<u>Percent Varietal Fluorescence</u>	<u>Perennial Ryegrass Variety Name</u>	<u>Percent Varietal Fluorescence</u>	<u>Perennial Ryegrass Variety Name</u>	<u>Percent Varietal Fluorescence</u>
89-90	2.15%	Koos 90-2 <sup>1</sup>	3.85%	Wizard	2.57%
89-666 <sup>1</sup>	1.57%	Legacy	0.37%	Yorktown III	1.42%
246	0.27%	Lindsay	1.72%		
856	0.87%	Linn	5.00%	Annual	Percent
Accent	0.56%	Magic	1.21%	Ryegrass	Varietal
Accolade	4.83%	Manhattan II	0.65%	<u>Variety Name</u>	<u>Fluorescence</u>
Accord	4.08%	Morningstar	0.87%		
Achiever	0.93%	Mulligan	1.86%	Florida 80	98.89%
Advent	0.14%	Navajo	0.37%	Grazer	99.78%
Agresso	2.00%	NightHawk	1.39%	Jackson	98.80%
All Star	0.47%	Nomad	1.03%	Marshall	96.00%
Allaire II	1.15%	Nova	1.00%	Rio <sup>1</sup>	98.97%
APM	0.59%	Omni	0.51%	Surrey	98.91%
Assure	0.72%	Pageant <sup>1</sup>	2.22%	TAM 90	98.45%
Bedford	1.40%	Palmer	1.04%		
Boardwalk	2.72%	Palmer II	1.51%		
Brightstar	1.79%	Patriot II	0.42%	<sup>1</sup> Experimental Designation	
Buccaneer	2.01%	Pegasus <sup>1</sup>	2.41%	and/or Variety	
Caliente	0.74%	Pennant	0.50%		
Calypso	1.29%	Pleasure	1.42%		
Cathedral	0.85%	PR8820	0.79%		
Charisma	2.39%	Prelude	1.72%		
Cutter	1.65%	Prelude II	2.25%		
Dandy	2.00%	Prizm	0.71%		
Delaware Dwarf	0.61%	Quickstart	0.18%		
Derby Supreme	2.85%	Regency	0.99%		
Dillon	4.14%	Repell	0.33%		
Divine <sup>1</sup>	3.09%	Repell II	1.56%		
Edge	1.73%	Reveille	2.00%		
Elegance	1.51%	Riviera	0.58%		
Elf	0.75%	Rodeo II	2.47%		
Elite	4.84%	SR 4100	0.37%		
Envy	0.22%	SR 4200	0.34%		
Equal	1.98%	SS-33-DS <sup>1</sup>	3.10%		
Evening Shade	1.17%	Seville	0.33%		
Excel	1.53%	Shining Star	0.10%		
Express	1.00%	Stallion Select	2.37%		
Fiesta II	1.14%	Statesman	1.27%		
Gator	0.88%	Target	3.28%		
Greenland	1.20%	Top Hat <sup>1</sup>	0.77%		
Grimalda	2.00%	Topeka	2.34%		
Imagine <sup>1</sup>	1.31%	Vantage	2.19%		



## FEDERAL SEED ACT CASES SETTLED

Listed below are cases settled under the FSA from October 1 through December 31, 1995. All cases were settled administratively. Under the administrative settlement procedure, the SRTB and the firms agreed to settle the cases for the amount specified with the firms neither admitting nor denying the charges:

- Barenbrug USA, Tangent, OR, has paid \$8400 for a case involving 18 shipments. The alleged violations, while not the same for all shipments, were false labeling of pure seed, other crop seed, weed seed, inert matter, germination, hard seed percentage, and test date; failure to show required information for a seed component, to label the presence of noxious-weed seeds, and to keep required records; and shipping seed containing noxious-weed seeds in excess of state's limit. Seed regulatory officials in Arizona, Indiana, Maryland, Missouri, and Texas cooperated in the initial sampling and inspection.
- R.M. Cook Company, Inc., dba Emerald Commodities, Inc., Harrisburg, OR, has paid \$200 for a case involving 1 shipment. The alleged violation was false labeling of a variety name. Seed regulatory officials in Georgia cooperated in the initial sampling and inspection.
- Discount Farm Center, Inc., Watertown, SD, has paid \$2850 for a case involving 8 shipments. The alleged violations, while not the same for all shipments, were mislabeling of noxious-weed seeds; shipping seed containing noxious-weed seeds in excess of a State's limit; false labeling as to germination percentage; and failure to keep required records. Seed regulatory officials in Illinois, Missouri, Oklahoma, Texas, and Virginia cooperated in the initial sampling and inspection.
- Global Seeds, Hollister, CA, has paid \$700 for a case involving 2 shipments. The alleged violations, while not the same for both shipments, were false labeling of variety name, germination percentage, and test date; failure to test for germination within the prescribed period prior to interstate shipment, and to keep required records. Seed regulatory officials in Georgia and Virginia cooperated in the initial sampling and inspection.
- Mycogen Plant Sciences, Prescott, WI, has paid \$1000 for a case involving 5 shipments. The alleged violation, for all shipments, was false labeling as to the percentage of pure seed. Seed control officials in Maryland and Virginia cooperated in the initial sampling and inspection.
- Scott Seed Company, Inc., New Albany, IN, has paid \$1500 for a case involving 5 shipments. The alleged violations, while not the same for all shipments, were false labeling and failure to label the presence of noxious-weed seeds. Seed regulatory officials in Kentucky cooperated in the initial sampling and inspection.
- Southern States Cooperative, Inc., Richmond, VA, has paid \$1000 for a case involving 4 shipments. The alleged violations, while not the same for all shipments, were false labeling of pure seed, germination test date, and failure to label the presence of noxious-weed seeds and to keep required records. Seed regulatory officials in Maryland and Virginia cooperated in the initial sampling and inspection.



Additions to  
Plant Variety Protection  
Certificates

**October 25, 1995, through December 18, 1995**







PLANT VARIETY PROTECTION CERTIFICATES

**Issued** October 25, 1995, through December 18, 1995)

KIND	VARIETY	APPLICANT	TITLE 5 (NO. OF GEN.)	KIND	VARIETY	APPLICANT	TITLE 5 (NO. OF GEN.)
BEAN, GARDEN	Ambassador	Rogers Seed Company		SOYBEAN	Piatt	Illinois Agricultural Experiment Station	Y (3)
	Endurance	Rogers Seed Company			S09-95	Northrup King Company	
SOYBEAN	293	FFR Cooperative			S29-11	Northrup King Company	
	9008	Pioneer Hi-Bred			S39-41	Northrup King Company	
	9042	International, Inc.			S42-60	Northrup King Company	
	9304	Pioneer Hi-Bred			S52-25	Northrup King Company	
	9362	International, Inc.			S57-11	Northrup King Company	
	9393	Pioneer Hi-Bred			S66-90	Northrup King Company	
	9721	Pioneer Hi-Bred			Sandusky	Ohio Agricultural Research and Development Center,	Y (*)
	A4045	International, Inc.			Vertex	Ohio Agricultural Research and Development Center,	Y (*)
	Bronson	Pioneer Hi-Bred	Y (3)	WHEAT, COMMON			
		Asgrow Seed Company		Brooks			
		Purdue University,		Kofa			
		Indiana					
		Agricultural		WHEAT, DURUM			
		Virginia Polytechnic	Y (3)	Aruba			
		Institute and State					
		University		Cortez			
		DEKALB Genetics					
		Corporation					
		University of Georgia	Y (2)				
		Research					
		Foundation, Inc.					
		Delta and Pine Land					
		Company					
		Delta and Pine Land					
		Company					
		FFR Cooperative					
		University of Georgia	Y (2)				
		Research					
		Foundation, Inc.					
		University of Georgia					
		Research					
		Foundation, Inc.					
	HY 798						

(\*) No limit to the number of generations of certified seed beyond breeders seed.



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